



**CITY OF NEWPORT BEACH  
COMMUNITY DEVELOPMENT DEPARTMENT  
3300 NEWPORT BOULEVARD, BLDG. C  
NEWPORT BEACH, CA 92658-8915  
(949) 644- 3200**

## Memorandum

**To:** Planning Commission  
**From:** Fern Nueno, Associate Planner  
**Date:** November 8, 2012  
**Re:** Agenda Item No. 4 Emerson Island Annexation Designations

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In consideration of the new information received regarding the number of dwelling units located at 410 Emerson Street, staff has revised the recommendation for certain properties from Single-Unit Residential Detached (RS-D) land use designations and Single-Unit Residential (R-1) Zoning designations to Multiple-Unit Residential (RM) land use and Zoning. For the area where the properties are designated as RM, a 10 dwelling unit cap is proposed.

It is not staff's intent to create any nonconforming properties in regards to number of dwelling units. Revised exhibits for the draft resolution are attached for your consideration.

*Costa  
Mesa*

**RS-D  
(Single-Unit Residential  
Detached)**

**RS-D**

**RM  
10 du**

TUSTIN AVE

EMERSON ST

21ST ST

HOLIDAY RD

BONAIRE WAY

BA

— Existing City Boundary  
— Proposed City Boundary



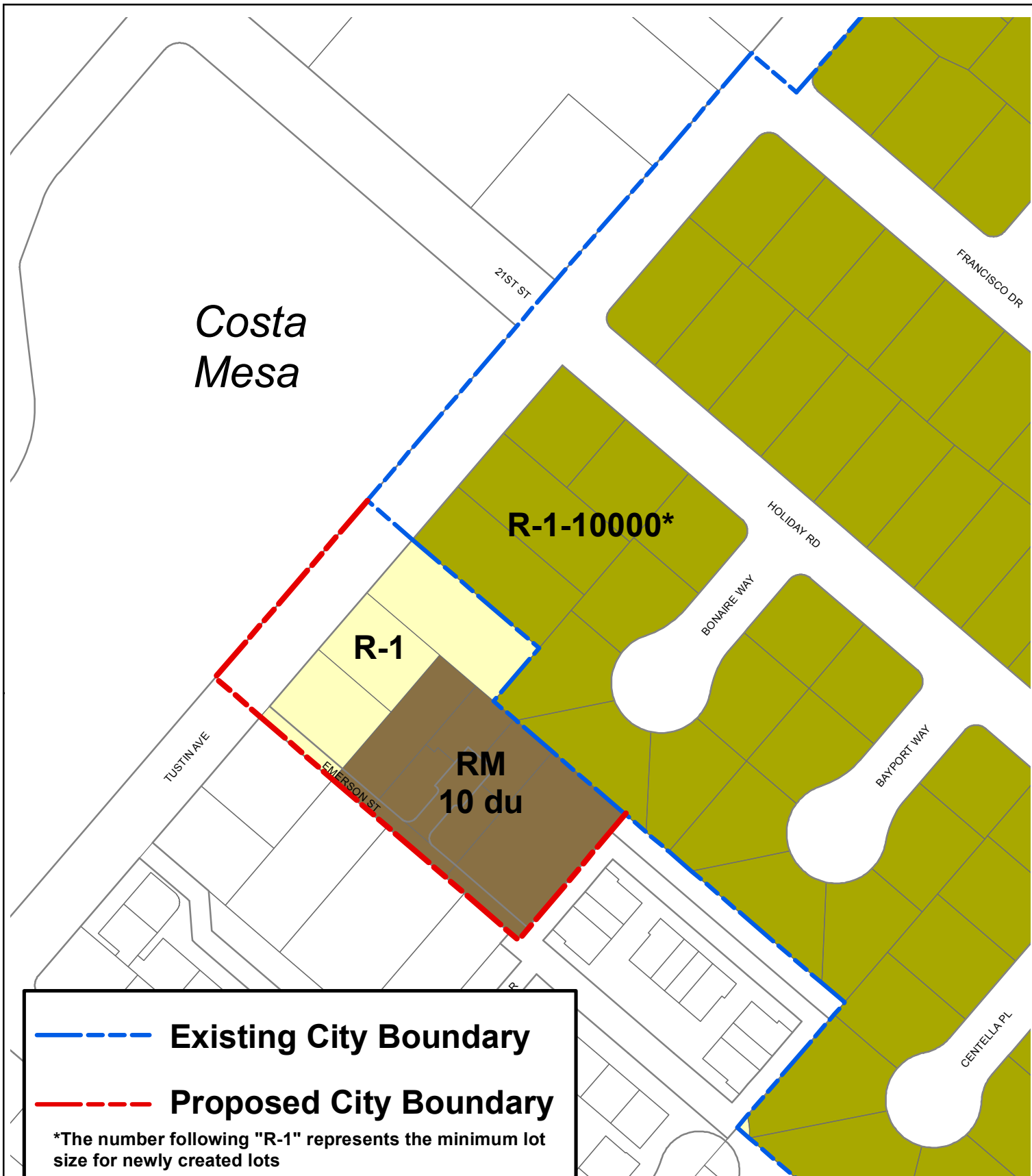
GP2012-001 (PA2012-034)  
General Plan Amendment  
Emerson Island Annexation

**Exhibit A**

0 50 100 Feet



NEWPORT  
Info  
NEWPORT INFORMATION SYSTEMS



CA2012-002 (PA2012-034)  
Zoning Code Amendment  
Emerson Island Annexation

**Exhibit B**

0 75 150 Feet



**NEWPORT**  
*Info*  
NEWPORT INFORMATION SYSTEMS



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COMMUNITY DEVELOPMENT DEPARTMENT  
3300 NEWPORT BOULEVARD, BLDG. C  
NEWPORT BEACH, CA 92658-8915  
(949) 644- 3200**

## Memorandum

**To:** Planning Commission  
**From:** Fern Nueno, Associate Planner  
**Date:** November 1, 2012  
**Re:** Agenda Item No. 4 Correspondence received for Emerson Island Annexation

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Subsequent to the completion of the staff report, correspondence was received by the property owner of 410 Emerson Street (attached) regarding the number of dwelling units on site. Staff previously thought that the lot was developed with one unit; however, the property owner informed staff that the lot is developed with two residential dwelling units. The property owner requests that the City land use and zoning designations allow for two dwelling units in case the owner decides to sell the property or redevelop.

In order to maintain consistency with the surrounding properties, the staff recommendation of Single-Unit Residential Detached (RS-D) land use designation and Single-Unit Residential (R-1) Zoning designation remains unchanged.

The two dwelling units on the lot were legally constructed and could remain after the annexation. The two-unit residential use would be nonconforming and subject to the requirements of Chapter 20.38 of the Zoning Code (Nonconforming Uses and Structures). If the two units were demolished, only one dwelling unit could be constructed in its place, consistent with the development standards for R-1 properties.

## Nueno, Fern

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**From:** Steve Provence [stevepboone@yahoo.com]  
**Sent:** Sunday, November 04, 2012 6:53 PM  
**To:** Nueno, Fern  
**Subject:** Re: Emerson Annexation PA2012-034

To Newport Beach Planning,

You are saying that 410 Emerson st, is a one family unit. But we have been a duplex since 1960! When it was built. We are two separate houses with there own electric and gas meters. I need to keep it as a duplex for renting income.

Thank You  
Owner : Hildegard Provence  
Son: Steve Provence

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**From:** "Nueno, Fern" <[fnueno@newportbeachca.gov](mailto:fnueno@newportbeachca.gov)>  
**To:** [stevepboone@yahoo.com](mailto:stevepboone@yahoo.com)  
**Sent:** Thursday, November 1, 2012 3:30 PM  
**Subject:** Emerson Annexation PA2012-034

Fern Nueno, LEED AP

Associate Planner

[fnueno@newportbeachca.gov](mailto:fnueno@newportbeachca.gov)

(949) 644-3227 phone

(949) 644-3229 fax

City of Newport Beach | Planning Division | 3300 Newport Blvd | Newport Beach, CA 92663

*A responsive, knowledgeable team of professionals guiding community development in the public interest.*

**CITY OF NEWPORT BEACH  
PLANNING COMMISSION STAFF REPORT**

November 8, 2012 Meeting

Agenda Item 4

**SUBJECT:** Emerson Island Annexation - PA2012-034

- General Plan Amendment No. GP2012-001
- Code Amendment No. CA2012-002

**PLANNER:** Fern Nueno, Associate Planner  
(949) 644-3227, [fnueno@newportbeachca.gov](mailto:fnueno@newportbeachca.gov)

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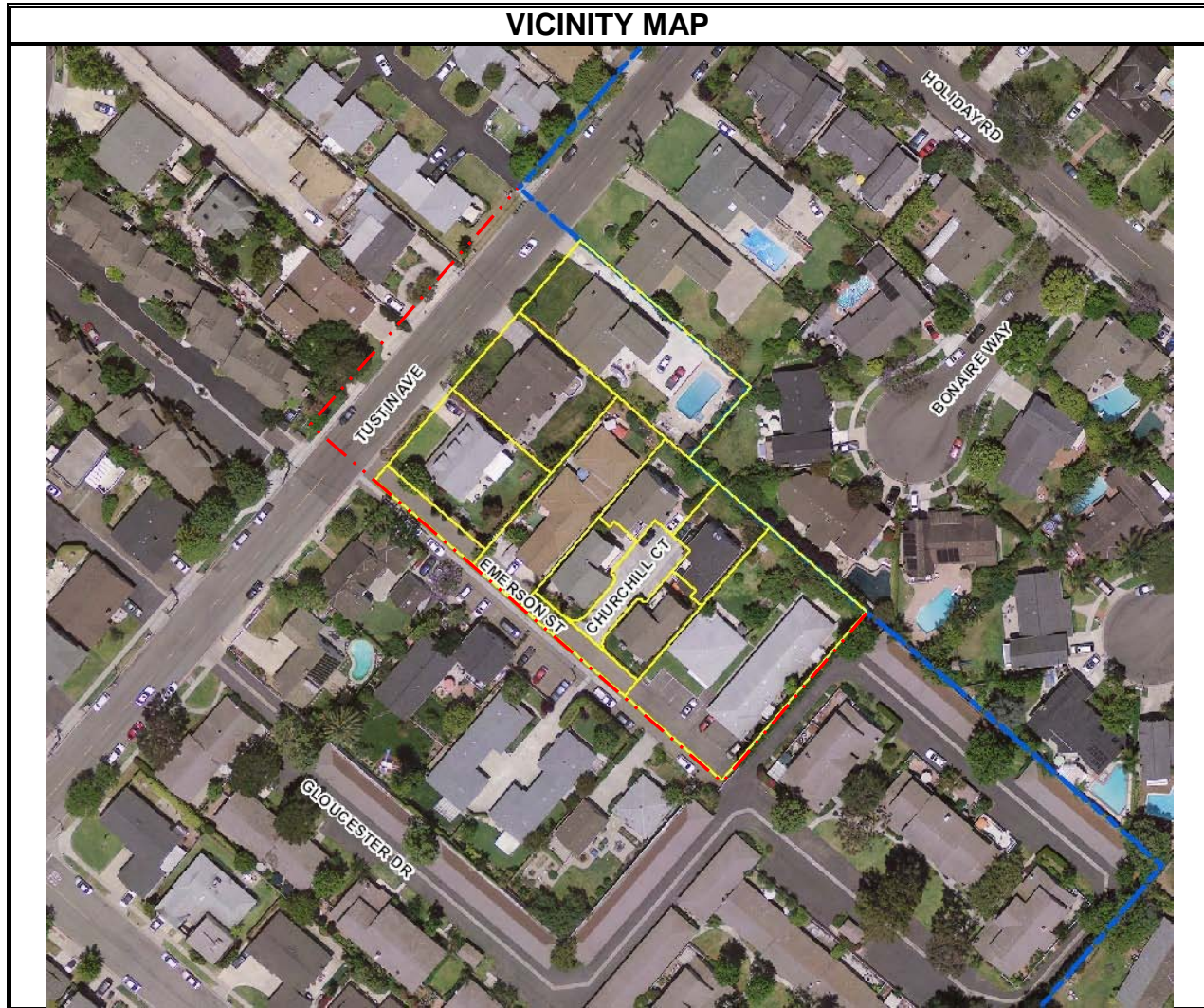
**PROJECT SUMMARY**

The subject application is a General Plan Amendment and Code Amendment (rezoning) for the annexation of the Emerson Island. The area to be annexed is developed with single- and multiple-unit dwellings and is located in unincorporated Orange County. The area consists of 9 residential lots totaling less than 2 acres in area.

**RECOMMENDATION**

- 1) Conduct a public hearing; and
- 2) Adopt Resolution No. \_\_\_\_ recommending City Council approval of General Plan Amendment No. GP2012-001 and Code Amendment No. CA2012-002 (Attachment No. PC 1).





## **INTRODUCTION**

### **Project Setting**

The Emerson Island is located in unincorporated Orange County between the cities of Costa Mesa and Newport Beach southwest of the intersection of Tustin Avenue and Holiday Road. The surrounding area is developed with single- and multi-unit dwellings. The area to be annexed consists of 9 lots totaling less than 2 acres in area and is developed with single- and multiple-unit dwellings. The nearby properties located within the City of Newport Beach boundary are developed with single-unit dwellings.

### Project Description

The project is a General Plan Amendment and Code Amendment for the land use and rezoning for the annexation of the Emerson Island. The area is developed and no site grading or construction is proposed with this application. Rezoning this area is a necessary component of the annexation process, and the zoning is required to be consistent with the General Plan. Land use designations for the Emerson Island are not currently addressed in the City's General Plan and therefore must be provided in conjunction with rezoning and annexation.

### Background

The Emerson Island is part of unincorporated Orange County and was placed in the Newport Beach sphere of influence ("SOI") by the Orange County Local Agency Formation Commission ("OC LAFCO") in September 2002.

On July 17, 2003, the Planning Commission recommended to the City Council the initiation of amendments to the General Plan and Zoning Code relating to the annexation of the Emerson Island.

On July 22, 2003, the City Council approved the initiation of amendments to the General Plan and Zoning Code relating to the annexation of the Emerson Island.

On November 20, 2003, the Planning Commission recommended City Council approval of a General Plan Amendment and Zoning Code Amendment for the annexation of the Emerson Island.

On January 13, 2004, the City Council adopted a resolution approving the General Plan Amendment and an ordinance approving the rezoning for the Emerson Island.

An application to annex the area was not filed with OC LAFCO at that time, but staff is now currently processing the application. Due to the General Plan update in 2006 and subsequent Zoning Code rewrite in 2010, new General Plan and Zoning Code Amendments (rezoning) are required.

## **DISCUSSION**

### Analysis

#### *General Plan and Zoning Code*

Section 20.66.060 (Rezoning—Annexations) of the Zoning Code requires rezoning before annexation to the City. The zoning is required to be in compliance with the General Plan; therefore General Plan and Zoning Code Amendments are required prior to annexation.



The Orange County General Plan designates the properties as Suburban Residential (1B), which allows for a wide range of housing types from 0.5 to 18.0 dwelling units per acre. The Orange County Zoning Code designates the properties as R2 (2400) Multi-Family Dwellings, which allows single-family dwellings and multifamily projects of four or fewer dwelling units. The 2400 in parenthesis following the R2 designation refers to the 2,400 square feet of land area required per unit.

Eight of the nine lots within the Emerson Island are developed with single-unit dwellings. The proposed City General Plan Land Use Element designation for these properties is Single-Unit Residential Detached (RS-D). The Proposed City Zoning designation for these properties is Single-Unit Residential (R-1). The remaining lot in the Emerson Island is developed with three dwelling units. The property owner requests that four units be allowed under City Zoning Code standards (See Attachment No. PC 2). Under County Zoning Code standards four units could be built and the property previously had a fourth unit that was demolished. The property owner intends to construct a fourth unit on the lot in the future. The proposed land use is Multiple-Residential (RM – 4 units) and the proposed zoning designation is Multiple Residential (RM – 4 units). The proposed land use is depicted in Attachment No. PC 3 and the proposed zoning is depicted in Attachment No. PC 4 for the Emerson Island. Table 1 compares the existing development to the existing and proposed Zoning Districts. Table 2 compares the development standards under the existing Orange County Zoning Code to the development standards under the proposed City Zoning Code designations.

**Table 1**  
**Zoning Comparison**

Address	Existing Development	County Zoning	Proposed CNB Zoning
2078 Tustin Ave.	Single-unit dwelling	R2 (2400)	R-1
2074 Tustin Ave.	Single-unit dwelling	R2 (2400)	R-1
2072 Tustin Ave.	Single-unit dwelling	R2 (2400)	R-1
410 Emerson St.	Single-unit dwelling	R2 (2400)	R-1
2071 Churchill Ct.	Single-unit dwelling	R2 (2400)	R-1
2072 Churchill Ct.	Single-unit dwelling	R2 (2400)	R-1
2074 Churchill Ct.	Single-unit dwelling	R2 (2400)	R-1
2075 Churchill Ct.	Single-unit dwelling	R2 (2400)	R-1
416-420 Emerson St.	Three dwelling units	R2 (2400)	RM (4 du)

**Table 2**  
**Development Standards Comparison**

	County R2	CNB R-1	CNB RM
Height Limit	35'	24' flat, 29' sloped	28' flat, 33' sloped
Front Setback	20'	20'	20'
Side Setbacks	5'	3' or 4'	8% of lot width
Rear Setback	25'	10'	10'
Floor Area Limit	NA	2 X buildable area	1.75 X buildable area

Adjacent properties to the northwest along Tustin Avenue are designated as R2-MD Multiple Family Residential (Medium Density) in the City of Costa Mesa Zoning Code. The properties located southwest of the Emerson Island are designated as Single Family Residential in the City of Costa Mesa Zoning Code. Staff believes the proposed City Zoning designations are compatible and consistent with the existing surrounding development, the current County Zoning, and the City of Costa Mesa Zoning Districts.

#### *Airport Environs Land Use Plan*

The Emerson Island is located within the Planning Area for John Wayne Airport in the Airport Environs Land Use Plan ("AELUP"). The Airport Land Use Commission ("ALUC") has found the City of Newport Beach to be a consistent agency with the AELUP. However, the AELUP requires that General Plan and Zoning Code Amendments for consistent agencies be referred to the ALUC for a determination prior to City action. The proposed amendments will be forwarded to the ALUC, and a hearing will be scheduled on November 15, 2012, prior to City Council review.

#### *Charter Section 423*

Council Policy A-18 establishes guidelines for implementing Section 423 of the City Charter (Protection from Traffic and Density). A-18 requires that proposed General Plan amendments be reviewed to determine if a vote of the electorate would be required. If a project (separately or cumulatively with other projects over a 10-year span) exceeds any one of the following thresholds, a vote of the electorate would be required: if the project generates more than 100 peak hour trips (AM or PM); adds 40,000 square feet of nonresidential floor area; or adds more than 100 dwelling units in a statistical area.

This General Plan Amendment is not subject to Section 423 of the City Charter because the proposed amendment is translating the existing development and County land use designations to City land use designations. The amendment does not provide for any increase in density from what is allowed under the Orange County General Plan; therefore, it will not result in increases in peak hour trips, dwelling units, or square footage.

### *Council Policy D-2*

Council Policy D-2 sets forth annexation guidelines and requires 14 items to be evaluated, including land use, demographics, services, and traffic. The items and relevant information are provided as Attachment No. PC 5.

### *County Agreement*

If the annexation is approved, the City will enter into an agreement with the County over the terms of the annexation. Relevant items addressed in the agreement could include the installation of sidewalks and street trees, as recommended in the attached Public Works Memo (Attachment No. PC 6).

### *Council Action*

Subsequent to the Planning Commission review and recommendation of the project, the City Council will review the General Plan Amendment and Zoning Code Amendment for the land use and rezoning for the annexation. Additionally, a resolution requesting OC LAFCO to initiate proceedings for the annexation of the Emerson Island and a resolution for a property tax transfer agreement with the County of Orange and related agencies would need to be adopted should the City Council wish to approve the annexation.

### Alternatives

The Planning Commission has the option of recommending to the City Council alternative land use and zoning designations for the annexation area or recommending denial of the project based on the information and analysis at the public hearing.

### Environmental Review

Staff recommends the Planning Commission find that all significant environmental concerns for the proposed project have been addressed in a previously certified Negative Declaration (Attachment No. PC 7).

The Initial Study/Negative Declaration was prepared in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and City Council Policy K-3. The Negative Declaration was circulated for a 30-day comment period beginning on July 19, 2003 and ending on August 18, 2003. The contents of the environmental document and comments on the document were considered by the Planning Commission on November 20, 2003. The City Council considered the Initial Study and Negative Declaration of the environmental impact for the project, and determined that the document adequately addresses the potential environmental effects of the proposed project. The City Council adopted the Negative Declaration on January 13, 2004.

Pursuant to CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and Public Resources Code Section 21166 (Subsequent or supplemental impact report; conditions), no subsequent or supplemental environmental document is required because there have been no substantial changes to the project, no substantial changes to the circumstances, or any new information of substantial importance.

### Public Notice

Notice of this review was published in the Daily Pilot, mailed to property owners within 300 feet of the property, mailed to relevant agencies, and posted at the site a minimum of 10 days in advance of this hearing consistent with the Municipal Code. Additionally, the item appeared upon the agenda for this meeting, which was posted at City Hall and on the City website.

Prepared by:

Submitted by:



Fern Nueno  
Assistant Planner



Kimberly Brandt, AICP  
Director

### ATTACHMENTS

- PC 1 Draft Resolution – Approve
- PC 2 Property Owner Request
- PC 3 Proposed Land Use
- PC 4 Proposed Zoning
- PC 5 Council Policy D-2 Analysis
- PC 6 Public Works Memo
- PC 7 Negative Declaration

# **Attachment No. PC 1**

Draft Resolution – Approve

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF NEWPORT BEACH RECOMMENDING CITY COUNCIL  
APPROVAL OF GENERAL PLAN AMENDMENT NO. GP2012-  
001 AND ZONING CODE AMENDMENT NO. CA2012-002 FOR  
THE ANNEXATION OF EMERSON ISLAND (PA2012-034)**

THE PLANNING COMMISSION OF THE CITY OF NEWPORT BEACH HEREBY FINDS AS FOLLOWS:

**SECTION 1. STATEMENT OF FACTS.**

1. The City of Newport Beach has submitted an application to the Orange County Local Agency Formation Commission ("OC LAFCO") to annex the unincorporated Emerson Island.
2. The Emerson Island is approximately 1.9 acres of unincorporated territory located east of the intersection of Tustin Avenue and Emerson Street, immediately southwest of the City's boundary.
3. The Emerson Island is within the City of Newport Beach's Sphere of Influence.
4. The Emerson Island is not located within the coastal zone.
5. The California Government Code allows a city to prezone territory for the purpose of determining the zoning that will apply to such territory after annexation to a city.
6. Prezoning this territory is a necessary component of the annexation process.
7. The California Government Code requires zoning to be consistent with a city's General Plan designation for a property.
8. Land use designations for the Emerson Island are not currently addressed in the City's General Plan and therefore must be provided in conjunction with prezoning and annexation.
9. On July 25, 2006, the Newport Beach City Council adopted Resolution No. 2006-76 approving a comprehensive update to the Newport Beach General Plan.
10. On October 25, 2010, the City Council adopted a Comprehensive Update to the Zoning Code (Newport Beach Municipal Code Title 20) bringing consistency between the Zoning Code and the Land Use Element of the General Plan.
11. On January 13, 2004, the City Council adopted a resolution approving a General Plan Amendment and an ordinance approving a Code Amendment (prezoning) for the Emerson Island precedent to its annexation. Due to the General Plan update in 2006



and subsequent Zoning Code rewrite in 2010, new General Plan and Zoning Code Amendments (prezoning) are required.

12. The City Council considered the Initial Study and Negative Declaration (Adopted with Resolution No. 2004-5) of the environmental impact for the annexation, and determined that the document adequately addresses the potential environmental effects of the amendments.
13. This General Plan Amendment is not subject to Section 423 of the City Charter (Protection from Traffic and Density) because the proposed amendment is translating the existing development and the County land use designations to City land use designations. The amendment does not provide for any increase in density from what is allowed under the Orange County General Plan; therefore, it will not result in increases in peak hour trips, dwelling units, or square footage.
14. A public hearing was held on November 8, 2012, in the City Hall Council Chambers, 3300 Newport Boulevard, Newport Beach, California. A notice of time, place and purpose of the meeting was given in accordance with the Newport Beach Municipal Code. Evidence, both written and oral, was presented to, and considered by, the Planning Commission at this meeting.

## SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION.

1. An Initial Study/Negative Declaration was prepared in compliance with the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and City Council Policy K-3.
2. The Negative Declaration was circulated for a 30-day comment period beginning on July 19, 2003 and ending on August 18, 2003. The contents of the environmental document and comments on the document were considered by the Planning Commission on November 20, 2003.
3. The City Council considered the Initial Study and Negative Declaration of the environmental impact for the project, and determined that the document adequately addresses the potential environmental effects of the proposed project.
4. The City Council adopted the Negative Declaration on January 13, 2004.
5. On the basis of the entire environmental review record, the proposed project will not have a significant effect upon the environment and there are no known substantial adverse effects on human beings that would be caused.
6. Pursuant to CEQA Guidelines Section 15162 (Subsequent EIRs and Negative Declarations) and Public Resources Code Section 21166 (Subsequent or supplemental impact report; conditions), notwithstanding the passage of time since the City Council adopted the negative declaration on January 13, 2004, no subsequent or supplemental environmental document shall be required because there have been no

substantial changes to the project, no substantial changes to the circumstances, or any new information of substantial importance.

7. The document and all materials, which constitute the record upon which this decision was based, are on file with the Planning Division, City Hall, 3300 Newport Boulevard, Newport Beach, California.

### SECTION 3. FINDINGS.

1. Amendments to the General Plan and Zoning Code are legislative acts. Neither the City nor State Planning Law set forth any required findings for either approval or denial of such amendments, unless they are determined not to be required for the public necessity and convenience and the general welfare. The subject application was reviewed to determine if the amendments would be beneficial to the Emerson Island and surrounding area and to ensure that the annexation would not be detrimental to the City.
2. The Emerson Island is developed with single- and multiple-unit dwellings. The amendments provide land use and zoning designations consistent with existing land uses and zoning in the area and the existing development within Emerson Island. The amendment will provide for preservation of the area's character and living environment for residents and property owners.
3. The amendments will not adversely affect the public health, safety, and welfare of the City.

### SECTION 4. DECISION.

#### **NOW, THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newport Beach hereby recommends City Council approval of General Plan Amendment No. GP2012-001 and Code Amendment No. CA2012-002 adopting the land use designations and rezoning and amending any applicable land use or zoning map for the annexation of Emerson Island as shown on Exhibit A and Exhibit B.

**PASSED, APPROVED, AND ADOPTED THIS 8<sup>TH</sup> DAY OF NOVEMBER, 2012.**

AYES:

NOES:

ABSTAIN:

ABSENT:

BY: \_\_\_\_\_  
Michael Toerge, Chairman

BY: \_\_\_\_\_  
Fred Ameri, Secretary

*Costa  
Mesa*

21ST ST

**RS-D**  
**(Single-Unit Residential**  
**Detached)**

HOLIDAY RD

BONAIRE WAY

**RS-D**

TUSTIN AVE

EMERSON ST

**RM**  
**4 du**

— Existing City Boundary  
— Proposed City Boundary



GP2012-001 (PA2012-034)  
General Plan Amendment  
Emerson Island Annexation

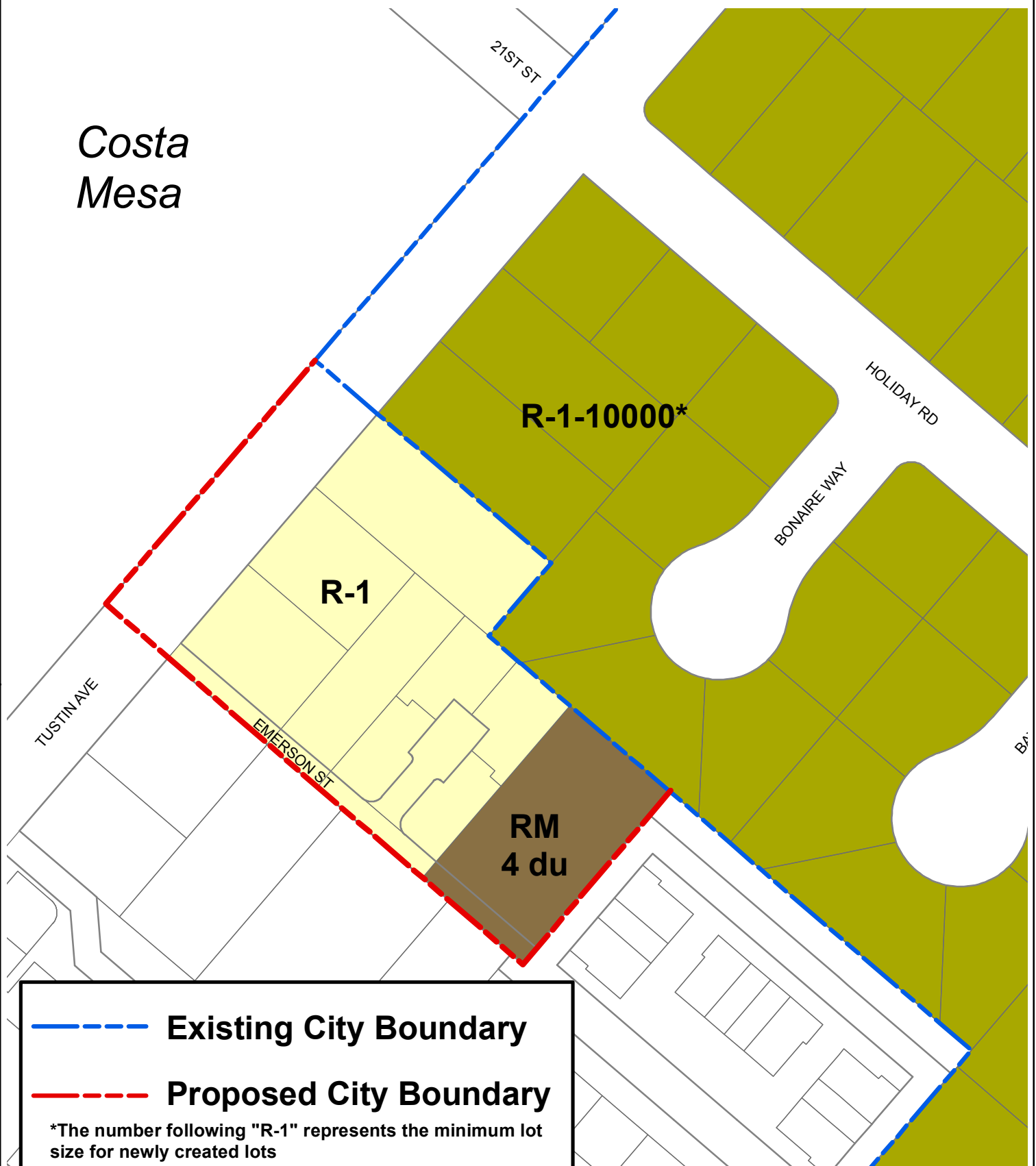
**Exhibit A**

0 50 100 Feet



NEWPORT  
info  
NEWPORT INFORMATION SYSTEMS

Costa  
Mesa



CA2012-002 (PA2012-034)  
Zoning Code Amendment  
Emerson Island Annexation

**Exhibit B**

0 50 100 Feet



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info  
NEWPORT INFORMATION SYSTEMS

# **Attachment No. PC 2**

Property Owner Request

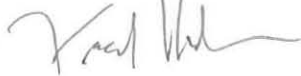


October 29, 2012

To: City of Newport Beach Planning Division

Attn. Fern Nueno, Associate Planner

From: Fred Kindgren



Re: 416-422 Emerson Street Annexation

As owners of the above referenced property it is essential that our current rights of property usage be sustained as part of the planned annexation by Newport Beach from the County of Orange.

It is our understanding that the property is currently zoned by the County as multifamily R2- 2400 which permits use as 4 dwelling units. Please reference attached blue print with site plan dated 1988 evidencing 4 units, 416-418-420 and 422 , constructed on the property at that time. Subsequent to 1998 and prior to our purchase in 2002, one dwelling unit was removed by the previous owners due to its age and poor condition. (Its capped sewer connection is still visible in the yard) . The prior owners advised us that this structure was on the property when they purchased it in the 1960's and was likely an original building from when the land was farmed . It should also be noted that another parcel in the currently designated Emerson Island, #410, is one half the size of our parcel and contains two dwelling units, and we believe is being designated for annexation purposes as RM-2 units, thus providing further justification of 4 units zoning on our parcel which is twice the area.

It is our intent to construct a 4<sup>th</sup> unit on the property and hereby request RM-4 zoning that supports that continued permitted use if annexed by the city of Newport Beach. Please confirm the city's zoning intent in this matter so that in the event a determination inconsistent with our request is rendered, we may have time to prepare and file a petition in favor of our position prior to the annexation approval.

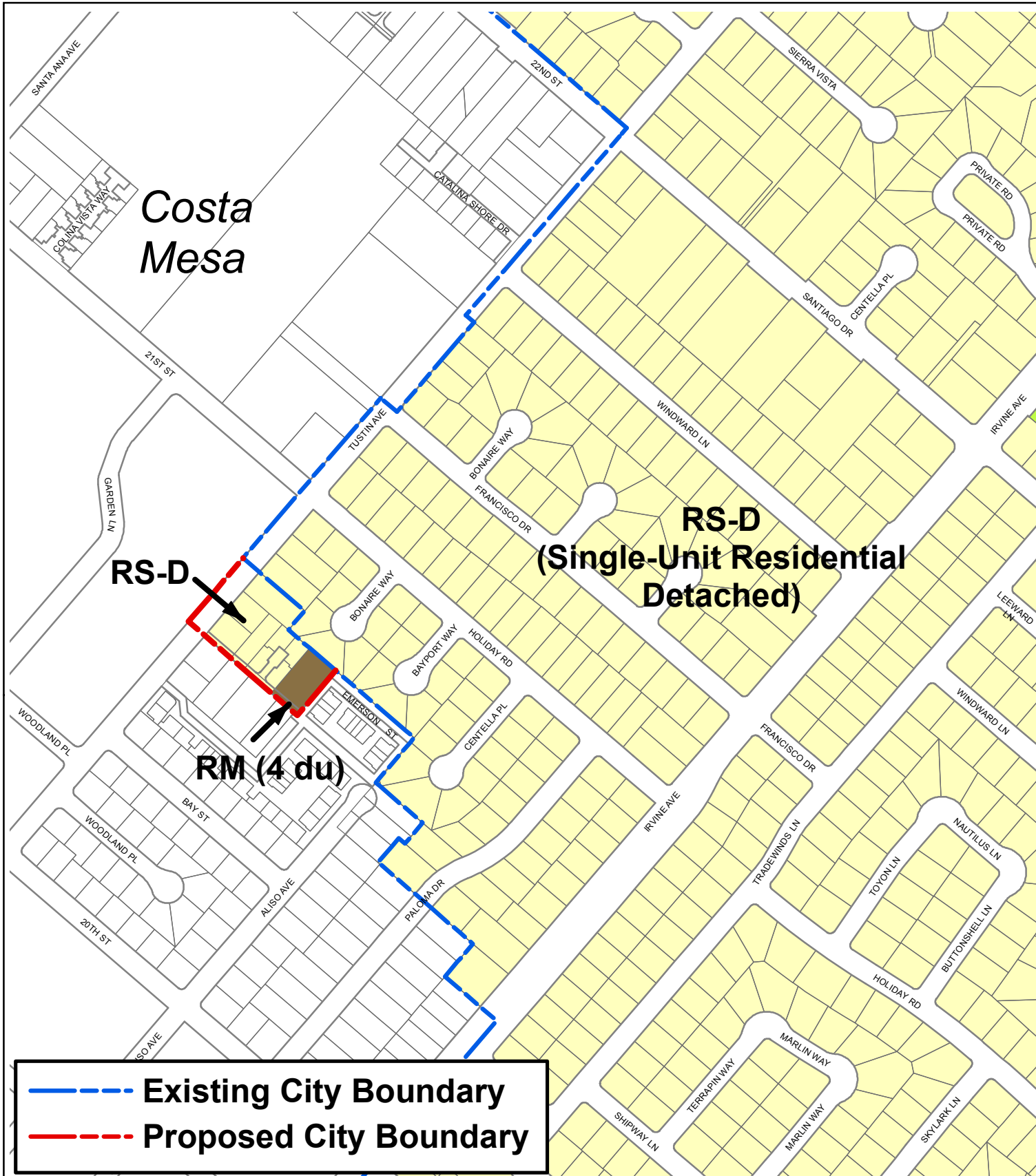
We also wish to document, for the record, that the current single parcel was originally comprised of two parcels, each 48' wide, as shown on the attached site drawing. Note these two parcels, each with 2 dwelling units, would be identical in size and use to the above referenced separate parcel on Emerson Street, number 410, which currently contains 2 dwelling units. We request a notation of this prior configuration be affixed to the Newport parcel map in order to establish precedence reference that we could cite at time of future subdivision request.

Please advise the city's position on these requests.

*Fred & Nancy Kindgren, 2056 Tustin Ave, Newport Beach, 92660 949-500-8715*

# **Attachment No. PC 3**

Proposed Land Use



GP2012-001 (PA2012-034)  
General Plan Amendment  
**Emerson Island Annexation**

0 250 500 Feet



**Newport**  
Info  
NEWPORT INFORMATION SYSTEMS

# **Attachment No. PC 4**

Proposed Zoning



# **Attachment No. PC 5**

Council Policy D-2 Analysis



## Council Policy D-2 Analysis

D-2 is available online at:

<http://www.newportbeachca.gov/Modules/ShowDocument.aspx?documentid=2495>

### A. A Statistical Summary.

Emerson Island is approximately 1.88 acres in area. According to the 2010 Decennial Census, the population of the area is 20 people. The area consists of nine (9) residential lots. Eight (8) of the lots are developed with one (1) unit on a single lot, and one of the lots is developed with three (3) units on a single lot, for a total of eleven (11) dwelling units. The area contains two (2) private streets (Emerson Street and Churchill Court) and a 235-foot portion of a public street (Tustin Avenue). The area contains no park and open space acreage. Per the County Assessor's records for the 2012-2013 tax bills, the total assessed value of the properties is \$5,304,411 (approximately \$5.3 million).

### B. Land Use and Planning.

The topography of the area is relatively flat and no notable natural features are present. The Emerson Island is currently developed. The proposed land use is consistent with existing development within the Emerson Island and with development in the vicinity. Redevelopment of the lots should not change the physical characteristics of the area due to the proposed R-1 and RM Zoning District standards.

### C. A Plan of Services.

Fire protection services will transfer from the Orange County Fire Authority to the Newport Beach Fire Department and police services will transfer from the Orange County Sheriff to the Newport Beach Police Department. The existing levels of service for both fire and police protection will be maintained or improved because of the closer proximity of City of Newport Beach ("CNB") offices and facilities than is now the case under County jurisdiction.

Other public services and facilities, such as administrative, recreation, code enforcement, planning, and public works will transfer from the County to the CNB. The level of service will remain unchanged or possibly improve because of the closer proximity of City offices and facilities than is now the case.

Utility systems are already in place for this built-out area. Water facilities and service are provided by the Mesa Consolidated Water District. Sewage collection is provided by the Costa Mesa Sanitation District. Sewage treatment is provided by the Orange County Sanitation District. Solid waste is collected by a private firm, CR&R

Incorporated. These facilities and services will remain with the current providers after annexation.

#### D. Traffic and Circulation.

Current traffic volumes are not available for Emerson Street, but observations suggest that the traffic volume is typical for developed residential areas. Volumes are not anticipated to change due to the annexation.

#### E. A Fiscal Impact Analysis.

Due to the size of the Emerson Island (less than 2 acres), the annexation is not expected to result in substantial property tax revenues or one-time or continuing expenses. The basic tax levy is one percent (1%) of the assessed value of the property. The taxable assessed value of the property within the annexation totals \$5.3 million resulting in a tax levy of \$53,000. The City receives approximately seventeen percent (17%) of the tax levy and would expect to receive less than \$10,000 in property taxes annually from the annexed properties. Public Works, Municipal Operations, and Community Development staff have reviewed the proposed annexation area and have concluded there are not any immediate infrastructure obligations associated with the proposed annexation.

#### F. Demographics.

Due to the size of the area, detailed Census data is not available just for Emerson Island. The existing development is consistent with nearby CNB neighborhoods. The demographics of the Emerson Island are assumed to be similar to that of nearby areas.

#### G. Boundaries.

The proposed boundary follows the pattern of separation between the Cities of Costa Mesa and Newport Beach. There are not man-made or natural physical barriers in the area that would affect this boundary or warrant a change in the location.

#### H. Safety.

Safety services will transfer to CNB which will enable better control for safety oriented problems that cross municipal boundaries. The annexation will enhance the cooperation between jurisdictions.

#### I. Service.

The annexation of this area creates a logical boundary between the cities of Costa Mesa and Newport Beach. The utilities for the area are already provided for and will

remain as is, allowing for a smooth transition for the residents, property owners, City, and other affected parties. The proposed boundary will not cause difficulty or inefficiencies in providing other City services because of the size and location of the area.

J. Control.

The Emerson Island abuts the CNB boundary along the north. The existing development is compatible with the development in the vicinity within City jurisdiction. Local control of the area will ensure consistency with nearby properties located within the City. Redevelopment on the nine (9) properties will be subject to the standards of the City Zoning Code, which will ensure proper land development and compatibility with surrounding residential development. Therefore, the annexation and resulting local control will protect taxpayers against future cost associated with potential improper development.

K. Public Facilities.

The existing public facilities are adequate to absorb the Emerson Island area and the annexation will not necessitate additional space for specialized public uses.

L. Blight Elimination.

The Emerson Island is developed with residential dwelling units and is surrounded by other residential uses. The location is not in a blighted area, but the annexation of the area will help to ensure that future development in the area does not cause a blighting or deteriorating influence.

M. Incorporation.

The Emerson Island annexation should not be detrimental to the City of Newport Beach nor the City of Costa Mesa. There are no other nearby unincorporated territories that might be incorporated to a city to the detriment of the CNB of other cities in the area.

N. Image.

The existing development is consistent with other CNB neighborhoods in the vicinity. Due to the number of residential lots (9) within the Emerson Island, the annexation is not expected to affect the image or stature of the City.

# **Attachment No. PC 6**

Public Works Memo

**City of Newport Beach  
PUBLIC WORKS DEPARTMENT**

October 31, 2012

TO: David Webb  
Public Works Director

FROM: David Keely  
Senior Civil Engineer

SUBJECT: Emerson Island Annexation to the City of Newport Beach

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**COMMENTS:**

1. Based on discussions with Community Development Planning Division, the project location is generally bordered by Tustin Avenue to the west and Emerson Street to the south. The Orange County Local Agency Formation Commission (OC LAFCO), project description inaccurately indicated that the southerly border is Gloucester Drive. Also, the attached annexation territory exhibit shows the correct boundaries, however, the street names are incorrectly labeled.
2. Based on the Parcel Map 98-163, Emerson Street and Churchill Court are private streets.
3. Tustin Avenue is a Public Street. Several properties along the Tustin Avenue frontage have non-standard private improvements (i.e. fences, pilasters, mailbox and landscaping) the will impede the installation of a City standard sidewalk.
4. No visible damage to the roadway, curb and gutter along the Tustin Avenue within the proposed annexation area.
5. The water provider for this area is MCWD and sewer is provided by CMSD.

**CONDITIONS:**

1. Emerson Street and Churchill Court shall remain a private street. Ownership and maintenance of said streets shall be the responsibility of the property owner's or association.
2. Install a City Standard sidewalk per City Standard STD-180-L within the limits of the annexation area along Tustin Avenue. Non-standard private improvements within the public right-of-way shall be removed to accommodate the sidewalk. Driveway approaches shall be reconstructed to current City Standards to ensure the sidewalk is ADA compliant.

3. Encroachment agreements shall be obtained for all remaining non-standard improvements within the Tustin Avenue public right of way. All non-standard improvements shall be in compliance with City Council Policy L-6.
4. Driveway approaches shall be reconstructed to current City Standards to ensure the sidewalk is ADA compliant.
5. Street trees shall be planted along the Tustin Avenue frontage. Vacant tree sites are located at 2072 and 2078 Tustin Avenue.
6. Fire Hydrant Markers shall be located adjacent to fire hydrants per City Standard STD-902-L.



# **Attachment No. PC 7**

Negative Declaration

City of Newport Beach  
3300 Newport Boulevard - P.O. Box 1768  
Newport Beach, CA 92658-8915  
(949) 644-3200

## NEGATIVE DECLARATION

To:

☒ xx

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

☒ xx

County Clerk, County of Orange  
Public Services Division  
P.O. Box 238  
Santa Ana, CA 92702

From: City of Newport Beach  
Planning Department  
3300 Newport Boulevard - P.O. Box 1768  
Newport Beach, CA 92658-8915  
(Orange County)

Date received for filing at OPR/County Clerk

*Public Review Period: July 19 to August 18, 2003*

**Name of Project:** EMERSON ANNEXATION – Project PA 2003-149: General Plan Amendment GP 2003-006 and Code Amendment CA 2003-007

**Project Location:** Emerson Street, east of Tustin Avenue and south of 21<sup>st</sup> Street/Holiday Road  
(see map at end of document)

**Project Description:** General plan amendment, rezoning, and annexation of the Emerson Street area to the City of Newport Beach

**Finding:** Pursuant to the provisions of City Council Policy K-3 pertaining to procedures and guidelines to implement the California Environmental Quality Act, the City has evaluated the proposed project and determined that it would not have a significant effect on the environment.

A copy of the Initial Study containing the analysis supporting this finding is attached and is also on file at the Planning Department. The Initial Study may include mitigation measures that would eliminate or reduce potential environmental impacts. This document will be considered by the decision-makers prior to final action on the proposed project.

Additional plans, studies and/or exhibits relating to the proposed project may be available for public review. If you would like to examine these materials, you are invited to contact the undersigned. If you wish to appeal the appropriateness or adequacy of this document, your comments should be submitted in writing prior to the close of the public review period. Your comments should specifically identify what environmental impacts you believe would result from the project, why they are significant, and what changes or mitigation measures you believe should be adopted to eliminate or reduce these impacts. There is no fee for this appeal. If a public hearing will be held, you are also invited to attend and testify as to the appropriateness of this document. If you have any questions or would like further information, please contact Larry Lawrence, project manager for the City, at 949-661-8175.

  
Patricia L. Temple,  
Planning Director

Date: July 10, 2003

**CITY OF NEWPORT BEACH**

**INITIAL STUDY AND ENVIRONMENTAL CHECKLIST**

1. **Project Title:** Project PA 2003-149, including General Plan Amendment GP 2003-006 and Code Amendment CA 2003-007: General Plan Amendment, Rezoning, and Annexation of Emerson Street area (*see map at end of document*)
2. **Lead Agency Name and Address:** City of Newport Beach  
Planning Department  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915
3. **Contact Person and Phone No.:** Larry Lawrence, Project Manager for City,  
Lawrence Associates  
949-661-8175
4. **Project Location:** Emerson Street, east of Tustin Avenue and south of 21<sup>st</sup> Street/Holiday Road (*see map at end of document*)
5. **Project Sponsor's Name/Address:** City of Newport Beach  
3300 Newport Boulevard  
Newport Beach, CA 92658-8915
6. **General Plan Designations:** Low density residential under County of Orange
7. **Zoning:** Single family residential, under County of Orange
8. **Description of Project:** General plan amendment, rezoning, and annexation of approximately 1.9 acres. Prior to review of the annexation by the Local Agency Formation Commission, the City of Newport Beach intends to process a general plan amendment and a zoning amendment in order to prezone the area.
9. **Surrounding Land Uses And Setting (see map at end of document):**

<b>Project Area:</b>	<b>Single family residential</b>
To the west, south and east:	Residential uses in the City of Costa Mesa
To the north:	Residential uses in the City of Newport Beach

**10. Other Public Agencies Whose Approval is Required (e.g., permits, financing approval, or participation agreement):**

Orange County Local Agency Formation Commission (LAFCO) and County of Orange.

**11. Existing Conditions:**

Land Use And Development

With the exception of a few vacant infill lots, the annexation area is built out. Current land uses in the area include single family homes.

The General Plan and Zoning Code maps for the City of Newport Beach do not cover the proposed annexation area. Therefore, land use and circulation designations must be adopted by the City in conjunction with annexation. Thus, general plan and rezoning amendments are part of the present annexation package.

Public Services

Public safety and other services for the annexation area are currently provided by the County of Orange, the Orange County Sheriff's Department, and the Orange County Fire Authority.

Utilities and Service Systems

Sewage collection is provided by the Costa Mesa Sanitary District while sewage treatment is provided by the Orange County Sanitation Districts. Water facilities and service are provided by the Mesa Consolidated Water District. Solid waste is collected by Waste Management Inc.

**12. Environmental Factors Potentially Affected:**

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                  | <input type="checkbox"/> Geology/Soils                      | <input type="checkbox"/> Noise                  |
| <input type="checkbox"/> Agricultural Resources      | <input type="checkbox"/> Hazards/Hazardous Materials        | <input type="checkbox"/> Population/Housing     |
| <input type="checkbox"/> Air Quality                 | <input type="checkbox"/> Hydrology/Water Quality            | <input type="checkbox"/> Public Services        |
| <input type="checkbox"/> Biological Resources        | <input type="checkbox"/> Land Use/Planning                  | <input type="checkbox"/> Recreation             |
| <input type="checkbox"/> Cultural Resources          | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Transportation/Traffic |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |   |

No potentially significant impacts were found in any of the above areas. "No Impact" and "No Significant Impact" responses were given in all categories because the change in jurisdiction from the County of Orange to the City of Newport Beach will not result in any significant environmental effect. Any impacts in the areas of public services and utilities, such as police, fire, water, and sewer, will be less than significant. Also, any impacts on air quality, biological resources, water quality, or other environmental categories are the result of existing development, which will not change as a result of the change in jurisdiction.

**13. Determination.** (To be completed by the Lead Agency.) On the basis of this initial evaluation:

**I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.**



I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A NEGATIVE DECLARATION will be prepared.



I find that the proposed project MAY have a significant effect on the environment, and ENVIRONMENTAL IMPACT REPORT is required.

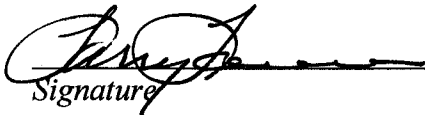


I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.



I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project.



  
Signature

July 10, 2003  
Date

Larry Lawrence  
Printed Name

**SECTIONS:    A. ENVIRONMENTAL CHECKLIST  
                  B. EXPLANATION OF CHECKLIST RESPONSES**

**A. ENVIRONMENTAL CHECKLIST**

The Environmental Checklist provides a preliminary analysis of the proposed project's potential for significant environmental impacts. Sources of information for all responses are specified immediately following the checklist.

The Initial Study indicates that the project may result in significant environmental impacts but that those impacts will be reduced to a less-than-significant level through the implementation of mitigation measures identified in the Study.

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>I. AESTHETICS.</b>					
Would the project:					
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6
<b>II. AGRICULTURE RESOURCES.</b>					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,5,6
<b>III. AIR QUALITY.</b>					
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,9,10
<b>IV. BIOLOGICAL RESOURCES.</b>					
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations or by the California Dept. of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impeded the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
<b>V. CULTURAL RESOURCES.</b>					
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4



IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>VI. GEOLOGY AND SOILS.</b>					
Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:					
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,7
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,7
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4,7
d) Be located on expansive soil, as defined in Table 18- 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a
<b>VII. HAZARDS &amp; HAZARDOUS MATERIALS.</b>					
Would the project:					
a) Create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
d) Be located on a site which is included on a list of hazardous materials sites which complied pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
e) For a project within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
<b>VIII. HYDROLOGY AND WATER QUALITY.</b>					
Would the project:					
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4

IMPACT CATEGORY		Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.						
b)	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
c)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
d)	Substantially alter the existing drainage pattern of the site or area, including through the alteration of a course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
e)	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
f)	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
g)	Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
h)	Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
i)	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4
j)	Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	3,4

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>IX. LAND USE AND PLANNING.</b>					
Would the project:					
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,5,6
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1,2,3,4,5,6
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,5,6
<b>X. MINERAL RESOURCES.</b>					
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,3,4
<b>XI. NOISE.</b>					
Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
e) For a project located within an airport land use land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,8
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	n/a
<b>XII. POPULATION AND HOUSING.</b>					
Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4
<b>XIII. PUBLIC SERVICES</b>					
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:					
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	2,3,4

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>XIV. RECREATION</b>					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
b) Does the project include recreational facilities or require the construction of or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1,2,3,4,6
<b>XV. TRANSPORTATION/TRAFFIC</b>					
Would the project:					
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
b) Exceed either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,5,6
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bike racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>XVI. UTILITIES AND SERVICE SYSTEMS</b>					
Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6
g) Comply with federal, state, and local statutes and regulation related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	2,3,4,6

IMPACT CATEGORY	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	SOURCES*
* See Source References at the end of this Checklist.					
<b>XVII. MANDATORY FINDINGS OF SIGNIFICANCE.</b>					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of a major period of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-10
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-10
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	1-10

#### **XVIII. EARLIER ANALYSES.**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration (CEQA Guidelines Section 15063). For the present annexation project, no significant impacts have been identified. All earlier analyses are listed under *Source References*, below.

#### **XIX. SOURCE REFERENCES.**

Documents listed below are available at the offices of the City of Newport Beach, Planning Department, 3300 Newport Boulevard, Newport Beach, California 92660 (*Note: Reference No. 1 denotes a physical inspection and therefore is not in the form of a written document*).



1. Site visits to annexation area by Larry Lawrence, project manager for City of Newport.
2. *Report to Local Agency Formation Commission re Annexation Applications by Newport Beach and Costa Mesa of Area 7*, by Dana Smith, LAFCO Executive Officer, September 16, 2002.
3. *Final Program EIR – City of Newport Beach General Plan*.
4. *General Plan*, including all Elements, City of Newport Beach.
5. *Zoning Code*, Title 20 of the Newport Beach Municipal Code.
6. *Zoning Code and Districting Maps*, County of Orange.
7. *City Excavation and Grading Code*, Newport Beach Municipal Code.
8. *Community Noise Ordinance*, Chapter 10.28 of the Newport Beach Municipal Code.
9. *Air Quality Management Plan*, South Coast Air Quality Management District, 1997.
10. *Air Quality Management Plan EIR*, South Coast Air Quality Management District, 1997.

### **B. EXPLANATION OF CHECKLIST RESPONSES:**

In all cases, the selection of the Checklist response was the product of the data sources listed above, followed by careful consideration of potential impacts from the project under the definitions and procedures of the California Environmental Quality Act (CEQA) Statute and Guidelines.

**No potentially significant impacts were found. “No Impact” and “No Significant Impact” responses were given in all categories because the change in jurisdiction from the County of Orange to the City of Newport Beach will not result in any environmental effect. Any impacts on air quality, biological resources, water quality, or other categories are the result of existing development, which will not change as a result of the change in jurisdiction.**

**Notwithstanding the lack of significant impact found, the following sections contain further explanations of responses in the salient areas of Land Use and Planning, Public Services, and Utilities and Service Systems.**

- **LAND USE AND PLANNING:**

The proposed annexation area is not included on the City of Newport Beach General Plan and Zoning Maps. Therefore, general plan and rezoning actions by the City of Newport Beach have been made part of the present annexation project (see page 1 of this Initial Study). The intent of these applications is to retain comparable land use and zoning regulations as those presently in effect under the County. Thus, in terms of land use and planning, the net result of the annexation will be a less-than-significant environmental impact.

- **PUBLIC SERVICES:**

1. **Fire and Police** - Fire protection services will transfer from the Orange County Fire Authority to the Newport Beach Fire and Marine Department and police services will transfer from the Orange County Sheriff to the Newport Beach Police Department. The existing levels of service for both fire and police protection will be maintained or improved because of the closer proximity of City offices and facilities than is now the case under County jurisdiction.
2. **Other Services** - Other public services and facilities, such as administrative, recreation, code enforcement, planning, public works and others will remain unchanged or possibly improve because of the closer proximity of City offices and facilities than is now the case.

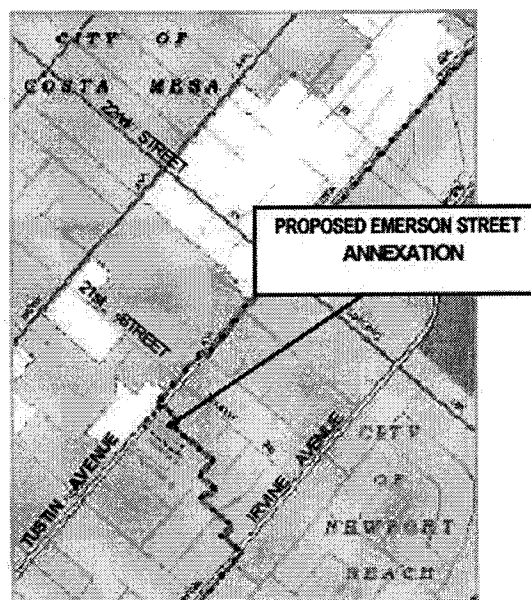
From the above information, the net effect on public services from the annexation will be a less-than-significant impact.

- **UTILITIES AND SERVICE SYSTEMS:**

Utility systems are already in place for this built-out area. Water facilities and service are provided by the Mesa Consolidated Water District. Sewage collection is provided by the Costa Mesa Sanitary District. Sewage treatment is provided by the Orange County Sanitation Districts. Solid waste is collected by a private firm, Waste Management Inc.

It is intended that these facilities and services remain with the current providers after annexation. Thus, there will be no impact on water, sewer, wastewater treatment, solid waste disposal, or other utility systems as a result of the annexation, and service will continue uninterrupted. The net effect on utilities and service systems from the annexation will be a less-than-significant impact.

## **MAP OF ANNEXATION AREA**



ADDITIONAL  
MATERIALS  
RECEIVED

# Emerson Island Annexation



Planning Commission  
Public Hearing  
November 8, 2012





# Vicinity Map



# Background



- Emerson Island placed in SOI in 2003
- General Plan and Zoning Code Amendments previously approved
- New amendments required due to code updates
- The previously adopted Negative Declaration is still effective for the proposed amendments



# Site Photographs



# Site Photographs





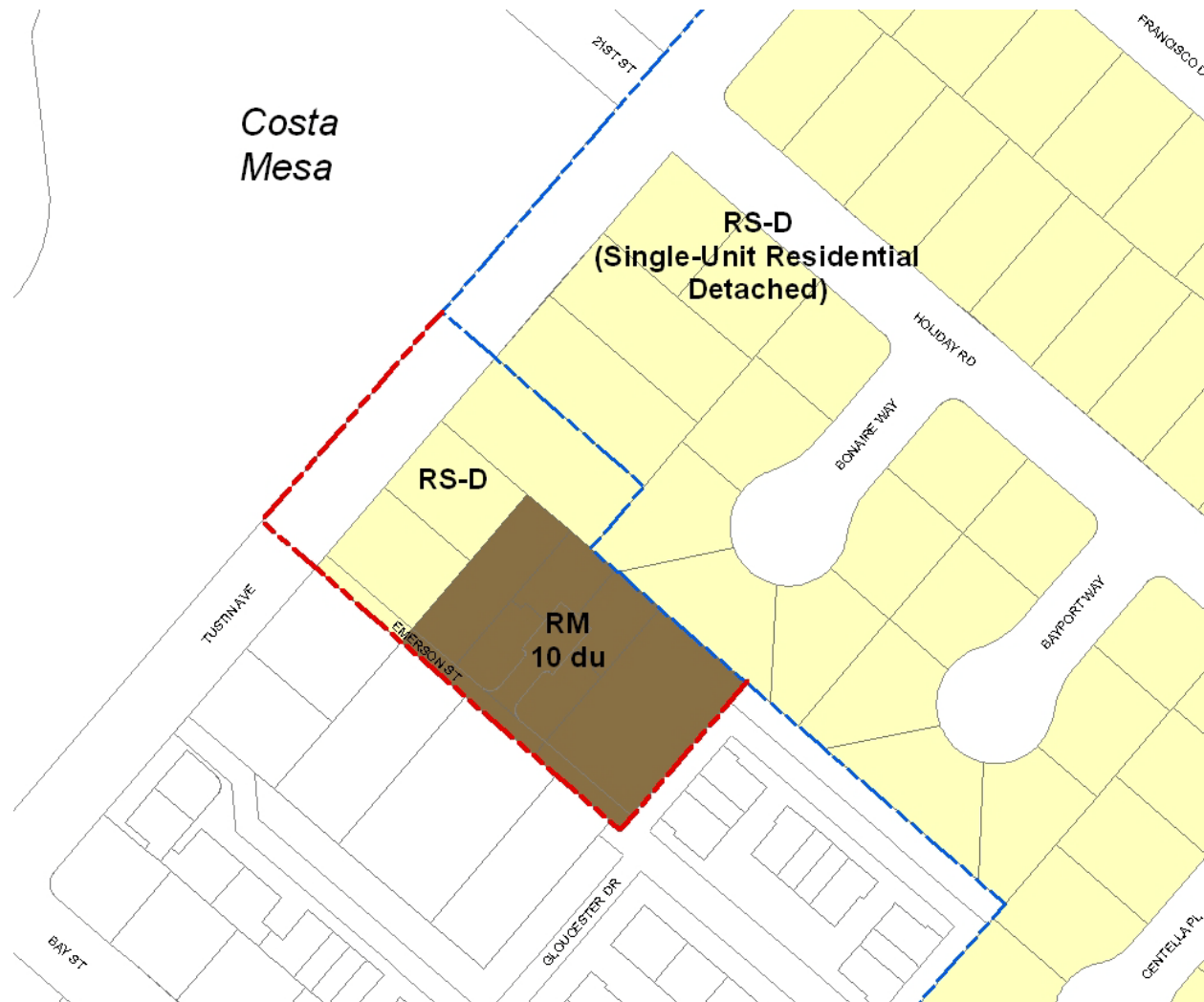
# Site Photographs



# Site Photographs



# Proposed Land Use



# Proposed Zoning





# Considerations



- Annexation beneficial for the City, residents, and property owners
- Establishing compatible, consistent, and fair land use and zoning designations

# Recommendation



- Conduct a public hearing
- Adopt Draft Resolution recommending City Council approval of General Plan Amendment No. GP2012-001 and Zoning Code Amendment No. CA2012-002

# Next Steps



- Planning Commission recommendation forwarded to the City Council
- If approved by City Council, application will be made to OC LAFCO
- If approved by OC LFACO, amendments effective when the annexation is complete



For more information contact:

Fern Nueno  
949-644-3227  
[fnueno@newportbeachca.gov](mailto:fnueno@newportbeachca.gov)  
[www.newportbeachca.gov](http://www.newportbeachca.gov)